Dear Friend:

Here is an opportunity for you to help the 17 Reclamation States in connection with an issue that is of importance to all of them. The issue is whether we shall be permitted to use a small part of the Dinosaur National Monument for water storage purposes to meet acute human needs.

The following information on the subject is an excerpt from my statement before the Irrigation Sub-Committee of the House Committee on Interior and Insular Affairs, at hearings recently held.

If you want to help us, won't you write or wire Secretary of the Interior Douglas McKay and your Senators and Congressmen telling them how you feel about the authorization of Echo Park dam? Won't you pass this information along to your friends and ask them to do the same? We need your help immediately to counteract a huge letter-writing campaign being fostered by nature lovers who want to preserve the West as a national museum.

The opposition to the Echo Park unit is founded upon worthy sentiment by undoubtedly sincere organizations and individuals who fear that such authorization might set a precedent for the use of other reserved areas for water storage purposes. For a ready understanding of the issues involved, it may be well to examine the background of the proposed authorization of the Echo Park unit.

In accordance with the spirit and purpose of certain pertinent provisions of the Act of December 22, 1944 (58 Stat. 887), the Department of the Interior, during the course of its investigation of proposed water resource development projects in the Upper Colorado River Basin, had let it be known that there were being considered certain dams and reservoirs known respectively as "Echo Park" and "Split Mountain," located within the confines of the Dinosaur National Monument as extended by Presidential Proclamation of July 14, 1938.

On or about March 16, 1950, the Secretary of the Interior gave notice of a hearing, to begin at 10 o'clock on the morning of April 3, 1950. This hearing was stated to be for the purpose of affording the Secretary of the Interior "the fullest possible presentation of the 'pros and cons' of these two projects," so that the Secretary might determine "whether or not to approve, . . . the inclusion of the Split Mountain and Echo Park dams. . . in the Department's recommendations to Congress on the Upper Colorado River Development program."

The hearing in question was duly held on April 3, 1950. The transcript of that hearing contains almost 700 pages of testimony. Much testimony of great importance to the Upper Basin States was not included in the transcript. Among those testifying in favor of including the Echo Park and Split Mountain dams in the Department's proposal for water resources development in the Upper Colorado River Basin were many Senators and many members of the House from the Upper Basin States. A number of Senators and Representatives who could not be present in person on the occasion of the hearings were invited to and did subsequently
supply statements for the record. There was presented much evidence of a scientific nature. This evidence reflected detailed investigations of possible alternatives for these two reservoirs. It showed clearly that the best combination of alternatives would involve an annual loss of water by evaporation in the neighborhood of 300,000 acre-feet. There was presented also evidence reflecting the record of promises that the extension of the Dinosaur National Monument would not be allowed to interfere with water resources development projects in the area.

On June 27, 1950, the then Secretary of the Interior advised former Senator Elbert D. Thomas, of Utah, that he had determined to include the Split Mountain and Echo Park dams and reservoirs among his recommendations in connection with the Colorado River Storage Project and Participating Projects. In no part of such announcement was any reference made to an intention on the part of the then Secretary of the Interior not to submit the Colorado River Storage Project to Congress until, as he later said, "a group of conservationists" had had an opportunity "to study the possibilities for an alternative solution." On the contrary, the Upper Basin States and the Upper Colorado River Commission, having participated wholeheartedly and with great effort and expense in hearings held at Washington, D. C., and having thereafter been informed of a decision on the part of the Secretary favorable to them, were entitled to, and did, rely upon the decision, in which the then Secretary advised that after having given "very careful thought to the arguments presented by both sides" he had concluded to approve "the plan calling upon the Bureau of Reclamation to draft necessary recommendations to the Congress for the building of Echo Park and Split Mountain dams."

It should be borne in mind too that, in February of 1951, the Secretary of the Interior's proposed report on the Colorado River Storage Project and Participating Projects was duly circularized among the affected States as required by the Act of December 22, 1944 (supra) and that, although under the statute, only 90 days is required to be granted by the Secretary of the Interior for the submittal of comments, time for the submittal of comments on the Colorado River Storage Project and Participating Projects was extended far beyond such 90-day period. Notwithstanding such extension of time, and the full and free public discussion that had occurred within the States concerned regarding the features of the proposed Colorado River Storage Project and Participating Projects, none of the comments submitted by the affected States reflects opposition to the authorization of the Echo Park dam or the Split Mountain dam.

Thereafter, the report on the Colorado River Storage Project and Participating Projects was processed within the Department of the Interior and prepared for transmittal to the Bureau of the Budget on its way to the Congress of the United States. Such report was finally transmitted to the Director of the Bureau of the Budget on so late a date as to prevent its subsequent transmittal to the 82nd Congress.

On November 18, 1953, Under Secretary Tudor of the Interior Department, an engineer of note, having personally investigated the problem, advised Secretary McKay that adoption of the best combination of proposed alternatives for the Echo Park reservoir would result in a net additional loss of water from evaporation "from approximately 100,000 to 200,000 acre-feet per year." He went on to say, referring to the Upper Colorado River Basin, that in "an area where water is so precious this is a matter of very serious consequence. Such lost water cannot be replaced at any cost and the ultimate regional economy would have to be reduced accordingly." Accordingly, Under Secretary Tudor recommended the authorization of the Echo Park unit and his recommendation was approved by Secretary of the Interior McKay on December 10, 1953.
It is worthy of note that Under Secretary Tudor's estimate is the most conservative estimate yet made of the water sacrifice that the Upper Colorado River Basin would be called upon to make by the adoption of alternatives for the Echo Park reservoir. The present Chief Engineer of the Upper Colorado River Commission, formerly for many years Dean of the School of Engineering at the University of Wyoming, and an internationally known hydrologist, has estimated these prospective additional losses at as high as 350,000 acre-feet per year. The estimates made by the Bureau of Reclamation engineers, after most exhaustive studies, are that the additional loss will be on the order of 300,000 acre-feet per year. These estimates were reviewed in detail by another and wholly independent authority, to wit: Charles D. Curran, then Senior Specialist, Engineering and Public Works, the Legislative Reference Service, Library of Congress, and now on the staff of the second Hoover Commission. He concludes that the estimate of 331,000 acre-feet per annum prospective additional loss by evaporation from the best combination of alternatives for Echo Park reservoir "is not unreasonable." However, even if we assume that all the experts, save Secretary Tudor, are in error, and that the additional evaporation loss does not exceed his lowest estimate, we are still faced with a loss which, as he says, would require reduction of our "ultimate regional economy." Why should we be called upon to make this sacrifice?

The estimating of reservoir evaporation losses is by no means an "hydrologic mystery." It is not a mystery to those learned and experienced engineers who have devoted years to study of the subject. It is not a mystery to the American Society of Civil Engineers, in whose manual it is discussed. It is not a mystery to Messrs. Wisler and Brater, recognized authorities on the subject, in whose work on Hydrology it is treated. It is not a mystery to Foster, another highly competent authority who discusses it in his "Rainfall and Runoff." It is not a mystery to Meinzer who discusses it in his 1949 edition of Hydrology. It is not a mystery to those who participated in the Symposium on Evaporation From Water Surfaces, contained in the transactions of the American Society of Civil Engineers for 1934. There are countless others who could be named to whom the work of estimating evaporation losses from exposed surfaces consists of methods with a sound scientific basis achieving results within reasonable tolerances. The utter stupidity of attempting to calculate evaporation losses by the use of 9th grade arithmetic was amply demonstrated at the hearing and requires no further discussion here. The point that should be borne in mind in connection with the estimating of prospective evaporation is that it is not necessary to determine absolute values for differences in amounts of evaporation at alternate reservoir sites. The important consideration is one of relative values at the proposed alternate sites or combinations of sites. Under any rational method of estimation, relative values upon examination and comparison will be found to remain in much the same perspective to each other, simply because any logical method of estimating evaporation would necessarily take into account such natural phenomena as temperature, altitude, latitude, wind movement, etc. which vary with location and are, in turn, related to each other.

As was said at an earlier point in this statement, exceedingly worthy organizations, groups and individuals oppose authorization for use of even a small part of the canyon area of the Dinosaur National Monument for water storage purposes by reason of their fear that such authorization would constitute a precedent for the similar use of other national parks and monuments. Their fears are without foundation, since the circumstances surrounding the enlargement of the Dinosaur National Monument by Presidential decree in 1938 are unique. Similar circumstances do not exist in connection with the creation of any other national park or monument, and, therefore, the authorization based upon the unique circumstances of this case would not constitute a precedent for others. In fact,
the area encompassed within the monument, as enlarged, had been used for grazing for many years. Plans to use different parts of the area for water resources development had been spoken of for many years. The local people, who had themselves fostered the enlargement of the Monument, were extremely anxious that such enlargement should not operate to prevent continued use of the area for grazing and its prospective use for water resources development. Their concern in these respects was evidenced at hearings held by officials of the National Park Service in the area preliminary to the enlargement of the Monument, and the evidence shows, beyond peradventure of a doubt, that they were assured that such enlargement would not prevent the continued use of the area for grazing and the prospective use of the area for water resources development. Such enlargement has not prevented the continued use of the area for grazing. It should not be allowed to prevent the use of the area for water resources development.

It may well be true that, from a technical legal standpoint, the reservations contained in the Presidential decree enlarging the Monument are not alone sufficient to protect the right, which everyone sought to protect at the time, to utilize the Monument area for water storage purposes; but technical legal considerations can never dispose of a moral question. The moral issue here is whether the promises that were made, even though they be not in all respects reflected in the Presidential decree, shall be kept. We have said that these promises were made to the local people, and the evidence presented at the hearings fully bears that out. The very same promises were made to the representatives in Congress of the states concerned at the time of the enlargement of the Monument. For instance, as early as 1936, the late Senator King of Utah advised the Department of the Interior that the areas in question "possess latent possibilities as sites for reservoir development, irrigation, and other purposes," and of the fears expressed by the then Governor Blood that "unless specific reservations are made covering the matters referred to, the state would be blocked in the construction of reservoirs, etc. . . teacher wom. Senator King was subsequently informed by the then Acting Director of the National Park Service as follows: "You will be interested to know that the proposed proclamation to extend the boundaries of Dinosaur National Monument provides that the administration of the monument shall be subject to the operation of the Federal Water Power Act of June 10, 1920 (41 Stat. 1063) as amended, and Reclamation Withdrawal of October 17, 1904, for the Brown's Park Reservoir site in connection with the Green River project." The Senator and his constituents construed that statement, as they had a right to construe it, as meaning, in effect, that the latent possibilities of the area "for reservoir development, irrigation and other purposes," to which Senator King had theretofore referred, would be protected. To fall back now upon a narrow and legalistic construction of the language of the reservation itself is to impute to the Department of the Interior at the time a resort to tricky tactics which we are not willing to impute. The converse is that the Department of the Interior itself in good faith intended to reassure the late Senator King and his colleagues; that it intended that the latent possibilities of the area "for reservoir development, irrigation, and other purposes" should be protected. We adopt that converse.

There is ample evidence of reliance upon the good faith of the United States in this connection. Part of this evidence consists in actual filings, made as early as 1939, after the Monument had been enlarged, covering the use of various areas within the Monument, as enlarged, for water conservation purposes. One of these filings contemplated construction of a dam 425 feet high, slightly downstream from the present proposed location of the Echo Park dam, and flooding comparable areas within the Monument. Another of these filings involved the dam above-described plus the construction of a dam at the Split Mountain site. Each of
these filings was made by the Colorado River-Great Basin Water Users Association. The filing fees alone amounted to $2,000, and, although opportunity for protests was afforded, we have not learned that any such protests were ever made.

Another example of reliance upon the good faith of the United States in this respect consists in the fact that the Bureau of Reclamation itself made extensive surveys and investigations in the area, including core drillings, looking to the use of the canyon area in and around the Echo Park site for water storage purposes. This is an example, not only of reliance upon the good faith of the Government; it amounts, in effect, to a highly persuasive administrative construction of the decree enlarging the Monument, tending to show that the reservation contained in such decree should not be construed so narrowly as has been advocated.

Several of the opponents of authorization of the Echo Park dam have said, in effect, that the reservoir will "fill" the Monument, or will "flood" the Monument. Such statements, though made with undoubted sincerity, do not accord with the facts. This was amply demonstrated by testimony and pictures. Water impounded behind the dam will inundate only a small portion of the bottom of the canyons. It will neither "fill," "destroy," nor "flood" the canyons. At the dam, the water will be only 500 feet deep in a canyon of 3,000 feet depth. Due to the steep gradient of the river, the relative depth of the water with respect to the total depth of the canyon will rapidly diminish as one travels upstream from the dam. The rivers in the Monument now inundate only 3 to 4 percent of the total area. The water-covered portion of the Monument, after the Echo Park and Split Mountain reservoirs are filled, will amount to only about 10 to 12 percent of the Monument area, leaving about 90% untouched. Can you call this "filling," "destroying," or "flooding"?

One of the opponents of authorization of the Echo Park reservoir made mention of a treaty entered into by the United States of America and the governments of a number of South and Central American countries on Nature Protection and Wildlife Preservation in the Western Hemisphere. He called attention to the provisions of Article III thereof whereby "the resources of these reserves (National parks and monuments) shall not be subject to exploitation for commercial profit." He seemed to think that such treaty must be held to prevent the erection of Echo Park dam and the consequent use of the reservoir area for water storage purposes. He is in error. In the first place, it is highly questionable that the primary purposes of the treaty would be adversely affected through the use of a small part of the Dinosaur National Monument for water storage purposes. It seems doubtful, furthermore, that the use of a part of the area by the Federal Government itself for water storage purposes would constitute an "exploitation" thereof "for commercial profit" within the meaning of Article III of the treaty. Finally, it is not clear that the treaty applies to the Dinosaur National Monument, since no evidence has been adduced of compliance in its connection with the terms of paragraph 3 of Article II of the treaty.

It may be well, having considered the arguments of those who are opposed to the Echo Park dam, to conclude the discussion of the issues surrounding its authorization with a brief restatement of the principal reasons why it ought to be authorized. It ought to be authorized because an adequate water supply from both the Green and the Yampa Rivers is available for storage above it. In low water years, especially after full consumptive use is attained in Wyoming on the Green River, the inclusion of the waters of the Yampa River will become increasingly important. This point was contemplated by the negotiators of the Upper Colorado River Basin Compact when they wrote into Article XIII, paragraph a, of that document.
the provision that "The State of Colorado will not cause the flow of the Yampa River at the Maybell Gaging Station to be depleted below an aggregate of 5,000,000 acre-feet for any period of ten consecutive years. . ." It ought to be authorized because, as has been amply demonstrated, its evaporation losses will be at a minimum in the high altitude, deep canyon, northern latitude, and low prevailing temperature characteristics of the Echo Park region. It ought to be authorized because an adequate water supply together with a minimum evaporation rate will contribute to the production of the maximum amount of firm electric power at as low a cost as possible. It ought to be authorized because it will be strategically located with respect to electric energy load centers of the Upper Colorado River Basin States and adjacent areas. It ought to be authorized because, looking at it from the point of view of the over-all plan, it will, in subsequent stages of development, provide storage and regulation for the production of the maximum amount of firm power at Split Mountain, Gray Canyon and Glen Canyon, in addition to providing river regulation necessary to meet the Upper Basin's obligations at Lee Ferry.

Sincerely yours,

John Geoffrey Will
Secretary and General Counsel